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stood in place of poetry and history, of philosophy and science. So far, then, from there being anything mysterious in the palpably legal complexion of the earliest efforts of western thought, it would rather be astonishing if it had assumed any other hue. We can only express our surprise at the scantiness of attention which has been given to the difference between western ideas and eastern, western theology and eastern, caused by the presence of a new ingredient." "Few things in the history of speculation are more impressive than the fact that no Greek-speaking people has ever felt itself seriously perplexed by the great question of Free-will and Necessity." "Legal science is a Roman creation, and the problem of Free-will arises when we contemplate a metaphysical conception under a legal aspect." "The problem of Free-will was theological before it became philosophical, and if its terms have been affected by jurisprudence, it will be because jurisprudence has made itself felt in theology."

COMMENTARIES ON EQUITY JURISPRUDENCE, as administered in England and America. By JOSEPH STORY, LL. D., one of the Justices of the Supreme Court of the United States, and Dane Professor of Law in Harvard University. Eighth Edition. Carefully revised, with extensive additions By ISAAC F. REDFIELD, LL. D. In two volumes. Boston: Little, Brown and Company, 1861.

In 1835, the late Mr. Justice Story, in pursuance of the request of his friend, Nathan Dane, made by will, and as a portion of the course of study at the Dane law school, prepared his volumes of equity jurisprudence. In his preface to the first edition the learned judge tells us, "in submitting it to the profession it is impossible for me not to feel great diffidence and solicitude, as to its merits, as well as to its reception by the public. The subject is one of such vast variety and extent, that it would seem to require a long life of labor to do more than to bring together some of the more general elements of the system of equity jurisprudence, as administered in England and America. In many branches of this most complicated system, composed (as it is) partly of the principles of natural law, and partly of artificial modifications of those principles, the ramifications are almost infinitely diversified; and the sources, as well as the extent of these branches, are often obscure and ill-defined, and sometimes incapable of any exact development. I have endeavored to collect together, as far as my own imperfect studies would admit, the more general

principles belonging to the system in those branches which are of daily use and practical importance. My main object has been to trace out and define the various sources and limits of equity jurisdiction, as far as they may be ascertained by a careful examination of the authorities, and a close analysis of each distinct ground of the jurisdiction, as it has been practically expounded and applied in different ages. Another object has been to incorporate into the text some of the leading doctrines which guide and govern Courts of Equity in the exercise of their jurisdiction, and especially in those cases where the doctrines are peculiar to those Courts, or are applied in a manner unknown to the courts of common law. In many cases I have endeavored to show the reasons upon which these doctrines are founded; and to illustrate them by principles drawn from foreign jurisprudence as well as from the Roman civil law. Of course the reader will not expect to find in these commentaries a minute, or even a general survey of all the doctrines belonging to any one branch of equity jurisprudence; but such expositions only, as may most fully explain the nature and limits of equity jurisdiction. In order to accomplish even this task in any suitable manner, it has become necessary to bestow a degree of labor in the examination and comparison of authorities, from which many jurists would shrink, and which will scarcely be suspected by those who may consult the work only for occasional exigencies. It will be readily seen that the same train of remarks, and sometimes the same illustrations, are repeated in different places. As the work is designed for elementary instruction, this course seemed indispensable to escape from the inconvenience of perpetual reference to other passages, where the same subject is treated under other aspects."

The success of the work was far beyond the author's anticipations. It immediately assumed a place in the libraries of the profession, which it has ever maintained, and must continue to hold while accuracy and clearness in an elementary treatise command respect and obtain readers. Those who enjoyed the advantage of Judge Story's instructions at the Law School, well remember how earnest his dissertations upon equity jurisprudence; how lucid his expositions; how copious his learning; how interesting his illustrations, drawn from science and letters, no less than from adjudicated cases. In the study and teaching of Equity, Judge Story was an enthusiast. No labor appalled him; no fatigue overcame him; no difficulty was wholly insuperable. Day after day, with his text-book before him, in the midst of accumulating judicial toils and constant labors,

both at Circuit and in Banc, he was found in his Professor's chair, with unflagging ardor, teaching the young men, then gathered from every section of the Union, and even from the British provinces. Beneath his master hand seeming legal discords were reconciled, and legal doubts and difficulties chased away. Ardent in his love for his profession; deeply interested in young men; sensibly alive to the doubts and embarrassments that beset the path of all professional students, he was ever ready to give each inquirer the benefit of his life-long experience. His lectures upon Equity always commanded a larger attendance than any other branch of law taught at the school, and Story's Equity Jurisprudence has probably had a wider circulation than any one other treatise which the author has prepared.

In the advertisement to this eighth edition, the learned editor, himself a most distinguished jurist, tells us "this edition has been prepared with much care and study. And although it certainly does not come up to the editor's wishes, that it should contain everything which the profession might desire in such a work, which would be quite impracticable in a treatise upon so extensive a subject; it is still hoped that, with the addition of more than two hundred new sections, and extensive notes, referring to more than one thousand new and important cases, and bringing the decisions of the English Courts of Equity down to the latest moment, almost to the very day of publication; together with a carefully prepared analysis preceding every chapter, it will be regarded by the profession as an acceptable addition to the facilities for acquiring reliable information upon the present state of equity jurisprudence."

A book possessing the merit of the original edition, to which has been superadded the learning and labor which Chief Justice Redfield has bestowed on this edition, must command the attention of the bar. The additions of the editor, a portion of which we have had occasion to examine with care, are of substantial value and real importance, and we hazard nothing in saying, that Story's Equity Jurisprudence must and will maintain the position it has long held, as the best practical treatise for daily use on the subject of Equity in the hands of the practitioner.